

MINUTES OF MEETING NORTH SPRINGS IMPROVEMENT DISTRICT

The regular meeting of the Board of Supervisors of the North Springs Improvement District was held Wednesday, October 3, 2012 at 5:00 p.m. in the district office, 9700 N.W. 52nd Street, Coral Springs, Florida.

Present and constituting a quorum were:

David Gray	President
Vincent Morretti	Secretary
Vandin Calitu	Assistant Secretary

Also present were:

Doug Hyche	District Manager
Dennis Lyles	District Counsel
Rod Colon	Director of Operations
Jane Early	District Engineer
Larry Bower	CH2M Hill
Brenda Schurz	District Clerk
Nick Schooley	Drainage Supervisor
Donna Holiday	GMS-South Florida, LLC
Mimi Ortega	NSID
30 Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Hyche called the meeting to order at 5:00 p.m.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the September 5, 2012 Meeting

Mr. Hyche stated the next item is approval of the minutes of the September 5, 2012 meeting.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor the minutes of the September 5, 2012 meeting were approved as presented.

THIRD ORDER OF BUSINESS

**Ratification of Resolution 2012-17
Adopting the Water and Sewer Budget for
Fiscal Year 2013**

Mr. Hyche stated the next item is a housekeeping item amending a resolution number.

Mr. Lyles stated at the last meeting of the board of supervisors we adopted a resolution approving the water and sewer budget for fiscal year 2013. We are advised by staff that we apparently used the same resolution number twice so I'm going to read for the board the title of the resolution that amends the previous resolution just to fix the numbering only, the substance, all the financial terms and conditions of the resolution remain exactly the same. This will be a resolution of the board of supervisors of the North Springs Improvement District amending Resolution 2012-16 adopting the water and sewer budget for fiscal year 2013 in order to renumber said Resolution 2012-16 as Resolution 2012-17.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor Resolution 2012-17 was approved.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2013-01
Stating the Intention of North Springs
Improvement District to Initiate the
Conflict Resolution Procedures Provided
by FS Chapter 164-1052(1) Prior to
Initiating Court Proceedings or
Prosecuting Action on a Previously Filed
Court Proceeding to Resolve the Conflict**

Mr. Hyche stated the next item is consideration of Resolution 2013-01 stating the intention of North Springs Improvement District to initiate the conflict resolution procedures provided by Florida Statutes Chapter 164-1052(1) prior to initiating court proceedings or prosecuting action on a previously filed court proceeding to resolve the conflict.

Mr. Colon stated this goes along with hiring counsel to enter into conflict resolution with Broward County dealing with the Large User Agreement and the wastewater services for the Wedge. The resolution was prepared by our special counsel and reviewed by our attorney who made some minor changes. At this time we ask the board to approve Resolution 2013-01.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor Resolution 2013-01 was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Manager – Consideration of Advance Funding Agreement with Standard Pacific of Florida

Mr. Hyche stated the next item is consideration of advance funding agreement with Standard Pacific of Florida.

Mr. Colon stated this is for the construction of a force main from Nob Hill Road to the center of County Line Road so that wastewater collection service can be provided to the Standard Pacific properties in the Wedge. We worked with counsel on our side and their side to draft the agreement, which is similar to an agreement you entered into three months ago it is just a different project. Standard Pacific wants to advance fund the project and not wait for a special assessment. Brenda discovered a minor error on their signature page and they will have to re-sign the agreement.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor the advance funding agreement with Standard Pacific of Florida for the wastewater collection service from Nob Hill Road to the center of County Line Road was approved.

B. Attorney

There not being any, the next item followed.

C. Engineer

Consideration of Amendment No. 3 for Work Authorization 199 Design Services for Membrane Concentrate Tank and Pump Station for a Net Increase of \$10,000

Ms. Early stated if you will recall we were under design for the membrane concentrate and pump station to take the concentrate from the R.O. Plant out to the force main on Westview. After our original design and sitting down with staff we decided that we had a tank that would be too high for the homeowners on the east side of the wall. We got back together and came up with a different plan and we are going to a concrete tank and have it partially buried so that the top of the tank will be just at or below the top of that wall so that the homeowners on the east side won't be able to see it. We are going to move it a little bit south from the original location in the northeast corner. This amendment is to modify those plans and get those back out for construction.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor amendment no. 3 to work authorization 199 was approved.

Consideration of Amendment No. 2 for Work Authorization 200 Heron Bay Bond Completion Work for a Net Increase of \$20,000

Ms. Early stated we again have comments from the county. They have had us make a lot of changes on the pipe and they now want concrete pipe and they want actual drainage structures. We were putting in yard drains and temporary pipe to drain that existing swale and in the future when the road goes to four lanes we would address the ultimate piping design at that time. They don't want to do that and I know it is going to cost a lot more money but we talked to WCI because they are going to have to pay for it because we have a little bit of money left in the bond but not much. They are fine with it they just want to get the project done. They have gone out to bid and have some bids and anticipate a four or five month construction period. We are going to oversee the job because we are the engineer of record and have to certify it for the district because it was district funds that originally did the design. This is just to redo the plans again, resubmit and get this project inspected and certified.

Mr. Hyche stated I have been in contact with WCI, David Ledbetter, and WCI is fine with this.

Mr. Gray stated they are paying for it.

Ms. Early stated WCI is paying for the construction.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor amendment no. 2 to work authorization 200 was approved.
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Ms. Early stated FDOT is going to be doing some repairs on the canal bank on the north side of the Sawgrass behind their wall. It is continually caving in and we have worked with them for over a year. They keep coming in and meeting with us and they came up with a few proposed methods that we have approved and now they are coming to the district for a right of way permit. I got the application yesterday and I wanted to get it approved and I have some specific conditions and one maybe Dennis

can comment on. One is that I want FDOT to be responsible for the repairs they do if they ever fail because it is on district right of way and I don't want the district to be responsible if they put in this riprap and it continues to cave in. I want us to be able to tell them to fix it again. That was one of my conditions and I also have our standard conditions. I wanted your opinion on that.

Mr. Lyles asked have you negotiated that provision with them, have they agreed to it?

Ms. Early responded we have been discussing that whatever they do we want them to be responsible for it.

Mr. Lyles stated to make sure that it would be enforceable normally if they were a private entity we might want them to post some kind of bond for a reasonable amount of time to ensure that the repair work can be done. If it holds up for a period of time that you would determine as making it a success then we can release the bond. I'm not sure how DOT is going to react to that and if we just put it in the permit as a condition we are going to have to chase them for the money in all likelihood if that comes up in the future. They haven't always been what I would call very cooperative with our efforts along these lines.

Ms. Early stated I think one of the reasons why they are doing repairs is they are afraid that the wall they just installed is going to fall over. That canal bank has been caving in for a while then they came in and installed their wall and now that they see that it continues to erode they are concerned about that wall. That is why they are spending money to fix it. I don't anticipate anything happening it is a pretty hefty repair I just didn't want the district to be responsible for whatever they do.

Mr. Lyles stated as we have done in some other cases I completely agree with Jane's recommendation that we make it a condition of the permit to enter our property and to perform the remedial work. I'm not highly confident that just sending them an invoice five years from now for repair is going to meet with success unless we have

some further commitment from them in the nature of a bond or a surety or something of that nature. Do they need it this month?

Ms. Early responded no I think they are still working on it. I don't think they have a contractor I just didn't want to hold them up but I don't think it is a rush.

Mr. Lyles stated to be sure we might want to take a little more time with it and craft the language and see how they feel about posting for a limited period of time, which you would determine, some kind of surety to ensure the work is done. They haven't reacted very positively just on the receipt of a request from you or management on other matters so there is no reason to trust them now.

Ms. Early stated what brought it up to me is when they built the wall remember there were some issues with that and they never would come back and we have the \$2,500 but that didn't cover it. We will talk with them.

Project Status Report

Ms. Early stated County Line Road we are waiting on the contractor to get his MOT to do the intersection and then we are going to get started on the force main projects in the next month as well. Other than that the main project that is going on is the R.O. Plant and Larry Bower of CH2M Hill is here to give you an update.

Mr. Bower stated I'm the construction manager for your new R.O. building. Earlier this afternoon I gave Rod an update on the project and he said it would be good if I gave you an update as to how the progress is going along on the project. One of our requirements from the building department was that the engineer had to submit drawings and calculations on the roof truss design before proceeding with the construction on the foundations. The building department is requiring those drawings be submitted and approved by the building department before we do any reinforcing concrete work on the project site. Today we had a meeting with the CH2M Hill engineer and the sub-contractor structural engineer and they got together on the shop

drawing submittal and that will be submitted to us tomorrow and we will get it over to the contractor to submit to the Coral Springs Building Department. Although it may seem a little bit slow right now with the construction I think we passed that hurdle and now we can start with our work out there.

So far they started with the foundation work as far as excavation and putting in the rock and laying out the string lines for the trench walls. From what I see with the general contractor and sub-contractor they are doing very good work, quality work, they are checking each others work so I think we will get very good quality work out of this group doing the construction. Hopefully, in the coming months we will have a lot more construction going on.

SIXTH ORDER OF BUSINESS**Approval of Financials and Check Registers**

Mr. Hyche stated the next item is approval of the financials and check registers.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor the financials and check registers were approved.

SEVENTH ORDER OF BUSINESS**Public Comment to Discuss Additional Tennis Pro for Heron Bay Commons**

Mr. Hyche stated item seven is public comment to discuss additional tennis pro for Heron Bay Commons.

Mr. Colon stated I will give a brief introduction of why we are here today obviously it is about the tennis pro and the tennis situation in Heron Bay. I believe we have a representative here from the tennis committee. A tennis committee was formed it is not an NSID function but the residents elected a tennis committee in Heron Bay. They basically govern themselves and oversee all matters relating to tennis when it comes to Heron Bay Commons. All NSID has done is allow the tennis committee to

coordinate the matches, the events. What NSID does is we basically pre-book courts for the use of the residents for matches and so forth. It is not an NSID function. We used to have two tennis pros and we are down to one tennis pro. According to the rules and regulations that we passed last year it says that all tennis pros have to be approved by NSID. There are quite a few residents who don't want the tennis pros there are other residents who do want the tennis pros. What we are going to listen to today is public comment on both sides and ultimately the board will have to make a decision as to the second tennis pro and to have pre-bookings of courts and so forth. Because it was initiated by the tennis committee I will have their representative speak. Not everyone is going to have a chance to speak today but we will see how time goes.

Mr. Graff stated I'm speaking on behalf of Dean Becken the chairman of our committee who could not be here today. We do thank you for your time. We do realize Heron Bay tennis is not your primary activity and we don't think it should be. Earlier this year as Rod said the Heron Bay community elected the committee to take this off your desk. Our role as we see it is to listen to issues brought to us by the community, solicit solutions and put the options out to the public. Our one guideline was that the majority should rule. Proposals whether from the committee or other people in the community should be subject to the voice of the community as a whole and particularly the tennis players who speak for themselves quite adequately. We made a good faith effort to reach out to the community and listen to that voice. We held open meetings, conducted surveys, posted our email addresses online and people approach us all the time on court and off court. We sent you a letter dated September 24th and I won't go into the details of that. The one thing we do not have the authority to do is to authorize a second tennis professional and that is what we have come to respectfully ask your approval for today. I want to emphasize that tennis instruction at Heron Bay is a service requested and driven by the residents not the pros. This was borne out in our recent survey. Many residents now take their children to other facilities because we

couldn't adequately staff a junior program. We asked in our survey if people could get as much instruction as they wanted and 60% of the people who answered that question said no. We asked people to quantify how much demand there would be for a second pro or just in general what instruction they wanted and it came out to a minimum of 65 hours per week, far more than our current pro can provide and more than enough to warrant the second pro. That demand is likely to increase as more homes are completed in Heron Bay and more children come of age and their parents want to put them in instruction. Through most of our 13 year history we have had 2 pros. We are not trying to expand the program we are trying to restore it and we are continually asked by the residents how soon can we get back to two pros. That is the essence of our request. We know there are always going to be issues at Heron Bay tennis there are a lot of differences of opinion. There is no solution that would please everyone and we understand that. We truly hope to deal with these internally without taking any more of your time.

Ms. Mazurek stated I am very glad to see that the tennis pro request is on the agenda today because you are actually following your own rules and procedures. The tennis committee is a group of volunteers that were voted in by 178 people. I don't need to remind you that there are 2,300 homes that pay for the facility in Heron Bay. The tennis committee has failed to reach out to those 2,300 homes. There are hundreds and hundreds of users of our tennis courts. How many responded to your survey.

A resident responded 67.

Ms. Mazurek stated 67 surveys but there are hundreds and hundreds of users of the tennis courts. The tennis committee is a volunteer group like I am a volunteer because I stand up. I stand up and speak. I don't represent them they don't represent me. The tennis committee should be coordinating activities. You own the courts. Long term management solutions say you are either in the tennis business or you are not. Let me read what started this off. Back on January 25th, nine months ago Rod wrote a letter

because there was a whole lot of debate regarding teams and the usual emotional tennis stuff primarily driven by ladies and I can say that because I'm a lady. This letter clearly states, effective May 1, 2012 the tennis pros will no longer be a function of Heron Bay Commons. If residents want to continue using the current tennis pros at Heron Bay Commons the resident must reserve the court themselves. In my letter I explained to you I like to play tennis and I have to get up by 7:00 a.m. sit there and click on a computer so I can get one of the few accessible courts. I stood before you three years ago and told you the demand was growing I can stand before you today and tell you it has grown three times. The automatic blocking out of courts during prime time, your rules and regulations that you passed in May state that you define prime time between 8:00 a.m. to 12:00 p.m., I think it is 10:00 a.m. to 12:00 p.m., two hours we are talking about. You can hire as many pros as you want the need is there and it is a service to the residents but not when the residents want to play on those courts. Why does a pro have a court and I don't have a court? An example is tomorrow, all courts were booked by 7:00:20 they were gone in 20 seconds. The pro has their court the league has their courts. I don't have a court and I'm a resident, I pay over \$900. Our current pro I have asked you to re-evaluate what he is paying us. There are 2,300 homes we all pay \$900 and this guy pays us \$12,000 a year and that equals \$5 per household. I will give you my \$5 now, he should not be on that court during prime time. There will no longer be an automatic block out of courts for tennis pros. NSID will not automatically block out courts for tennis leagues. Since the leagues are made up of Heron Bay residents they can block out the courts themselves. Everybody has to get up like I do to get a court. Leagues are not an NSID function and will be treated as any other resident wishing to book a court. The leagues fall under the one guest policy like everyone else. So, why are we here, because we continue to block out automatically for certain people. We had a working solution. What happened and why wasn't it implemented? Because one resident literally went into our manager, Shannon Ruskin, who has been the best thing

that happened to Heron Bay Commons, and cried for four hours because tennis lessons were so important. I am here today to say take as many lessons as you want, hire as many pros as you want, it is a service but not during prime time. It is a long term management philosophy; the residents first, the team second because they are residents and the pros third. That pro should not be on my court when I need it during prime time. Again, the tennis committee is a volunteer group of people that doesn't speak for all.

Mr. Gray stated in reference to the committee, is the committee a function of the HOA and governed by the HOA docs?

A resident responded no they are not.

Mr. Gray asked are they in any way a function under NSID?

Mr. Hyche responded no.

Mr. Colon stated they are not a function under NSID. Just like if you were to go to the City of Plantation right now and wanted a soccer field, the city sponsors certain events, which is technically what we are doing for the tennis league because they are made up of residents but they basically manage themselves, we just pre-book for matches.

Mr. Gray stated so they don't have any authority from the HOA or from NSID so it is just a matter of us allowing them to book the courts. They represent their own members basically they don't represent Heron Bay, is that the issue here? Is that true?

Ms. Torres stated we represent the tennis playing community.

Mr. Gray stated that participates in your committee meaning you represent the people who participate. It is not an open election for Heron Bay unless it is under the HOA docs it doesn't represent anything it is just a group of people who got together and formed a committee. Under our regulations based on the letter she was reading why aren't we following the docs that were read that you sent out?

Mr. Colon responded the rules and regulations are vague when it comes to tennis committees or matches and so forth. The email she referred to was during our transition period and I believe I sent out another email clarifying that. Basically NSID did not want to get involved in the matches, we didn't want to get involved in anything related to tennis. The function that we have is we own the facility and we want the residents whoever they are whether they are on a league or not that they be treated equally, we want them to go out there and enjoy the facility. It is like an equal balance right now we do not want the residents to feel that they have to join a league to enjoy the facility but we understand there are a lot of residents who like league play and the pros. The email was written during the transition and I believe there were other clarifications made on that after you passed the rules and regulations.

Mr. Gray stated obviously we don't have enough courts for everybody even if they were open, even if there were no league whatsoever we don't have enough courts for everybody to have courts during prime time or the two hour break in the day. We were trying to build more courts a number of years ago and we had an open meeting for it and the number of people from the community who were against it was massive compared to the number of people who were for it. We had already funded \$100,000 on it and we had to wipe out a \$100,000 loss in not building those courts. It is not as if we didn't attempt to build them but we did not get the support from the community to build the courts. As a whole for Heron Bay regardless of the people here when the dollars came out that people would have to pay for it the majority of Heron Bay did not want to pay for additional courts and it was not an excessive amount. It was a very nominal amount something like \$25 per household and we couldn't get it approved. It is what it is as far as the courts go. I don't see that changing right now at least until the economy gets somewhat better and people feel a little bit better about it so I don't think we are going to be building any courts in the near future. It does come down to a matter of we have a certain number of courts and you have a need that is larger. From a

standpoint of our counsel since we are the owners of it and are responsible for a broader spectrum, what are we relegated to for choices?

Mr. Hyche stated everybody is good with pros only not during prime time.

Mr. Colon stated I believe there are some people who would like it during prime time also.

Ms. Hoang stated that is when the demand is the most.

Ms. Mazurek stated I would like you to reference my letter. Per Shannon the manager of the clubhouse right now there are only 30 women who need that pro during prime time for clinics. There are only 40 people right now taking lessons with that one pro during prime time. He was out there well past 12:00 p.m. today, he was out there at 7:30 a.m. this morning. He can give up 10:00 a.m. to 12:00 p.m.

Mr. Lyles stated what is before you is a matter that is addressed in our rules and that is the proposed approval of a second pro. You, as the board, have retained the right to approve the pros so that you get the right individuals working as pros in this facility that you own. I think Rod mentioned that the rules themselves are not tremendously specific as to the details of the administration of timing and reservations and courts and things like that and that was by design. Where you are today is a suggestion by staff that you approve a second pro and his information is in your agenda package. The other issues that item prompted are the ones are being discussed really aren't in your current set of regulations and rules and is left to be done on a more administrative basis. I think Rod's intent was to after the issues were heard from the representative spokespersons of the group to suggest that irrespective of your action to approve a second pro that staff at the administrative level and not during the course of this meeting meet with the interested parties and stakeholders, attempt to come up with something that addresses how this issue has evolved through today and that may or may not require an amendment to your rules for operation of Heron Bay Commons. I think the intent that you followed in the recent past was to let the community and

management of the club try to work this out and not impose strict rules on them in that regard. There is a problem now that needs to be dealt with, you have a decision to make whether to approve or not approve a second pro. These other issues need to be reviewed by your staff at that staff and management level with the community and then a report back to you would be in order to decide whether or not you want to go forward with maybe adopting a more comprehensive and stringent set of rules and regulations. You don't have a stringent set of rules and regulations and you may or may not want to go in that direction but there needs to be some staff work done on this given the issues that have been aired tonight.

Ms. Hoang stated I volunteered to chair the junior tennis committee and I was voted by the residents. On the issue of the demand between 10:00 a.m. and 12:00 p.m. it is the residents who take the lessons with the pro. Just like the residents have the right to play in the open court the residents have the right to take lessons with the pro. I know from personal experience it is nearly impossible to get a lesson in-between 9:30 a.m. and 11:00 a.m. right now with just one pro and not just for private lessons. I don't play in a league and I know there are league ladies out there of about 100 of them that belong to ten different teams and they want clinics. That has always been done in the past from my experience in living 10 years in Heron Bay. I think it is absolutely necessary to have the second pro and I think the pro should have the right to be on the court according to the residents' demand and at the end of the day we are a democracy and each one of us represents a different group of residents. We are a majority and we can only do our best and that is what we are trying to do.

Mr. Calitu stated you have a conflict because it is residents versus residents. Why don't you do a survey and send it to the 2,300 households and see who is voting for a second pro and who is not and count the votes and see.

Mr. Gray asked if you had a second pro since the first pro currently is booking courts and there is a problem with that, would he have the same rights to the court and create a larger problem?

Mr. Colon stated it would be up to the board or you can delegate staff to discuss that. By you approving a second pro does not guarantee that he is going to have prime time. My recommendation to the board is to approve the second pro and we have another meeting and more in-depth to where everyone can voice their opinion. We cannot have everyone talk tonight and it is really going to be difficult to try to come to a resolution on the times and playing times and the pre-booking of the courts. That is what a lot of the residents are here about: pre-booking courts and another tennis pro. However, in your packet tonight and what is on the agenda is do we want to approve another tennis pro. It doesn't mean they are going to be approved during prime time you are basically approving him on his qualifications based on your rules and regulations. That is my recommendation to the board at this time and to direct staff to have further meetings with the residents to come to a resolution and report back regarding the issue with the pre-bookings and time allotted for the tennis pros.

Mr. Calitu asked who is paying for the tennis pro?

Mr. Colon responded the residents pay the tennis pro for lessons and the tennis pro pays a monthly fee to NSID.

Mr. Calitu stated I still think it is a method of the residents. I think first we should decide by voting if they want to pay for a second pro and if so come back to us and say based on the majority of the residents we can approve a second pro.

Mr. Lyles stated the pro that provides the service is paid directly by the resident that is taking the lesson. The residents generally are not assessed or asked to pay for the presence of the pros. If it is a one hour lesson the pro receives that payment from the resident directly.

Mr. Calitu stated it is a complicated method in my opinion. It is pretty much residents against residents and with only a few courts it is really hard to get everybody satisfied.

Mr. Hyche stated I think the motion today would be are you willing to approve a second pro and allow staff to work an equitable resolution on the timing of the courts.

Mr. Gray stated I'm fine with the second pro because I don't think that is the problem. I think the problem has more to do with the time of the courts. I agree that is not going to be solved right now but I also think it needs to be equitable because there are people out there who pay their association dues and their dues to NSID that should have some equitable access. I don't know the numbers as to which are on both sides. I think that is a good recommendation that we direct staff to figure out those parts and see where the numbers lie and what is an equitable solution that not everyone may be happy with but most people would be willing to do. I think the tennis community as a whole is good for Heron Bay. I think that the league structure is good for Heron Bay and I think having pros is good for Heron Bay. At the same time I think there are people who live there who just want to play tennis and don't want to participate in that. My recommendation would be what you said, I recommend that we approve the pro but that his use of the courts and further use of the courts be taken up with staff and residents in some fashion to review and analyze and come back with some suggestions.

Mr. Lyles stated I think the motion that I understand is acceptable to the president is to approve staff recommendation of adding a second pro and make no provision whatsoever regarding any particular special use by that pro or the existing pro to reserve or utilize courts that will stay as it stands under the existing rules. That is the motion I think you are ready to take up. The second part will be staff direction to meet with the community and tennis community especially and come up with equitable recommendations for utilizing in a fair way the courts to the extent possible to no ones disadvantage whether they use a pro or not. The motion is to approve a second pro.

October 3, 2012

North Springs Improvement District

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor staff was authorized to engage the services of a second tennis pro.

On MOTION by Mr. Gray seconded by Mr. Morretti with all in favor the meeting adjourned at 5:42 p.m.



Vincent Morretti
Secretary



David Gray
President